

IV. JUDICIAL BRANCH STRATEGIC INITIATIVES

JUSTICE 20/20: A VISION FOR THE FUTURE OF THE ARIZONA JUDICIAL BRANCH 2010 - 2015

GOAL 1 STRENGTHENING THE ADMINISTRATION OF JUSTICE

The Arizona Judiciary is committed to improving the administration of justice. Every person has the right to a prompt, fair, and impartial hearing. The pursuit of justice thus requires that cases be heard in a timely manner and processed efficiently. To accomplish this goal, the courts require effective case processing and efficient management of information and resources. In this era of dwindling resources, the Arizona judicial system must review and modernize operations and policies to ensure that public resources are used effectively, efficiently, and accountably.

1-A USING TECHNOLOGY EFFECTIVELY

As case filings increase and the public demand for information soars, the judiciary must use innovative technology to enhance operations. The objective is not simply to adopt new technology for its own sake, but to solve business-process problems, provide prompt, reliable information to decision makers, and improve service to the public.

ACTION PLAN

- **Modernize to improve court processes and information gathering, tracking, and sharing through implementation of case management systems in**
 - Juvenile Court: JOLTSaz,
 - Limited Jurisdiction Court: AJACS, and
 - General Jurisdiction Court: AJACS.
- **Modernize the methods for producing timely records of court proceedings.**
- **Expand use of e-Citation to electronically transfer citation information from law enforcement to the courts.**
- **Improve efficiency of case processing through implementation of e-filing capabilities in all cases and in all courts.**
- **Provide judges the tools they need to operate in the digital court environment.**
- **Implement public access to courts through AZ Turbo Court.**
- **Use technology to provide efficient access to court documents while ensuring the security of confidential information.**

1-B

SIMPLIFYING AND ENHANCING SYSTEMS

The legal system can be intimidating and its complexity can make navigation difficult for victims, witnesses, and litigants not represented by counsel. Simplifying the rules for less complex cases and streamlining case management processes can help make court proceedings understandable and should result in greater public trust and confidence in the system.

ACTION PLAN

- **Streamline case processing by**
 - Developing new rules for processing guardianships,
 - Allowing for plea by mail or via the internet for minor criminal traffic cases, petty offenses, and some class 3 misdemeanor cases, while ensuring crime victims' rights
 - Developing separate, simplified rules for civil cases in justice courts, and
 - Applying case management procedures to misdemeanor cases to expedite case dispositions.
- **Review Supreme Court case processing to identify greater efficiencies.**
- **Produce an expanded index of court rules to enhance usability for court employees and the public.**
- **Create a searchable “opinions” database for judges.**
- **Establish a committee to review the Federal Rules of Evidence and Civil Procedure and to conform the Arizona Rules of Procedure and Evidence if appropriate.**
- **Review methods of rotating and training judges for new assignments.**
- **Expand the use of less costly, more efficient trial alternative processes, such as arbitration, mediation, and mini-trials.**

1-C

IMPROVING PUBLIC ACCESS, TRANSPARENCY, AND ACCOUNTABILITY

Public confidence in the courts is predicated, in part, on transparency of processes, access to reliable information, and timely resolution of disputes. In this era of “on demand” information, the public expects instant access to judicial branch information. Case information and documents must be readily available. Courts are also acquiring the ability to allow electronic filing and access to court records.

To serve the growing number of non-English speaking members of the public, information about court processes and procedures must be provided in languages other than English, and the number of available, qualified interpreters must be increased.

ACTION PLAN

- **Revise the Supreme Court Rules governing public access to court records:**
 - Ensure transparency and full access, and,
 - Be vigilant in protecting confidential information.
- **Continue implementing the Court Performance Measures.**
- **Translate the Guide to Arizona Courts, the Handbook on Dependency Cases, and other informational pamphlets and brochures into Spanish and other languages and make them available to the public through the Supreme Court’s Website.**
- **Assist self-represented litigants by.**

- Implementing intelligent e-filing, and
- Providing online video presentations describing how to access the courts.
- **Enhance the abilities and expand the availability of qualified language interpreters for non-English speaking participants in the justice system.**

GOAL 2

MAINTAINING A PROFESSIONAL WORKFORCE AND IMPROVING OPERATIONAL EFFICIENCIES

Maintaining a professional workforce and improving operational efficiencies are essential to achieving excellence. Judicial Branch leadership must continuously examine and improve not only the systems, processes, and procedures used to deliver justice to Arizonans, but also the competency and professionalism of those who do the courts' work. The courts value and encourage diversity and treat all people with courtesy, respect, fairness, and dignity.

2-A

MAINTAINING A PROFESSIONAL WORKFORCE

The Judicial Branch must continue the professional development of judges and court employees to ensure that they adhere to the highest standards of competence, conduct, integrity, professionalism, and accountability. Arizona's robust ethnic and cultural diversity require that the courts and court employees be culturally aware. The courts must strive for a justice system in Arizona that is free from actual or perceived bias of any kind.

ACTION PLAN

- **Enhance training for judges and court employees.**
- **Develop court leaders:**
 - Implement the revised Court Management Program and Fellowship Certification Program, and,
 - Revive the Court Leadership Institute of Arizona.
- **Develop a training program for limited jurisdiction court supervisors.**
- **Develop an ongoing training program that provides court employees with the knowledge necessary to properly process cases and to operate the case, document, and financial management systems.**
- **Expand cultural awareness and sensitivity training for judges, court staff, probation officers, and volunteers.**
- **Adopt an updated Employee Code of Conduct.**
- **Modernize the current probation academy curriculum to introduce and instill evidence based principles.**
- **Study the feasibility of a middle-management program for probation officers.**
- **Increase the flexibility, frequency, and cost effectiveness of training:**
 - Form partnerships with universities and colleges, and
 - Develop distance-learning technologies.

2-B

IMPROVING OPERATIONAL EFFICIENCIES

One of the most effective ways to ensure justice free from political influence is to have a consistent and reliable source of funding. The economic downturn has resulted in increased case filings, just as the resources available to the courts are diminishing. The loss of resources poses new and extraordinary challenges as courts strive to preserve fundamental rights and continue to perform statutory and constitutional duties.

The physical environment in which court services are provided must be free from threats to safety, and courts must be prepared to continue or resume operations in the event of disasters and epidemics.

ACTION PLAN

- **Explore methods to provide more consistent, stable funding for the court system to offset economic ups and downs:**
 - Hold a summit to consider reliable funding sources, and
 - Explore alternative methods for funding court facilities and operations.
- **Improve and enhance security in the courts and probation offices to protect the public, witnesses, victims, jurors, and court personnel:**
 - Update “continuity of operations” plans,
 - Develop a communications network for security personnel,
 - Provide additional training to court security personnel and explore the benefits of a court security certification program,
 - Assist in developing a safety contingency plan for courts that do not have regular security staff, and
 - Survey and review the current status of security in probation offices.
- **Encourage all court operations, construction, and technology to be as energy efficient, environmentally friendly, and sustainable as possible. Look for opportunities to reduce overall energy costs.**

GOAL 3 IMPROVING COMMUNICATIONS

Public confidence in the judicial system is fostered by understanding the work of the courts. In recent years, the Arizona Judiciary has increased its efforts to educate the public through seminars, outreach programs, and publications. As the public comes to rely on technology to conduct business and obtain information, the Judicial Branch must continue to adapt how it interacts and communicates with the public.

Although the method of delivery is important, the content of communications is more so. Court communications must convey timely, relevant, and meaningful information to court system employees and volunteers, members of the public attempting to access the courts, justice system partners working in collaboration with the courts, and funding entities allocating scarce resources. In every circumstance, success depends upon timely communication of clear, concise information.

3-A WITH THE PUBLIC

Online resources, such as web pages and social networking tools, are shaping how members of the public interact with their communities, elected officials, and government. Courts must develop and deploy a communication strategy that appropriately incorporates these new technologies.

ACTION PLAN

- **Employ technology to enhance communications within the courts and with the public:**
 - Redesign and update the Supreme Court's Website,
 - Consider use of new social networking tools, and
 - Increase use of video conferencing, webinars, internet meetings, and webcasts.
- **Educate the public and key stakeholder groups on the importance of the rule of law and impartial, high quality courts:**
 - Produce a statewide Law Day program,
 - Maintain Law for Seniors and Law for Kids, and produce similar programs, and
 - Maintain and help implement civic education programs such as "We the People."
- **Enhance communication with minority and local bar associations and communities.**
- **Identify opportunities to enhance understanding of the role of the courts and Judicial Performance Review.**

3-B WITH OTHER BRANCHES OF GOVERNMENT AND JUSTICE SYSTEM PARTNERS

Clear and effective communication with other branches of government is essential to the work and success of the courts. The Judicial Branch must also communicate and coordinate with key stakeholders to enhance their understanding of the Judicial Branch's responsibilities and to assist in carrying out Judicial Branch functions. The Court seeks to improve business relations and promote new partnerships.

ACTION PLAN

- **Maintain and improve communications with other branches of government, communities, agencies, and stakeholders.**
- **Seek opportunities to work with local and national bar associations, legal services organizations, and other community organizations to partner on appropriate projects.**

GOAL 4

PROTECTING CHILDREN, FAMILIES, AND COMMUNITIES

The removal of an abused or neglected child from the parents' home and the termination of parental rights involve significant government intrusions into the family and represent a significant use of the court's authority. For such cases, all parties must be assured prompt access to courts and due process. The judicial system must consider the rights of the parents and the safety and wellbeing of the child or children.

On the other end of the age spectrum, the latest estimates from the U.S. Census Bureau indicate that nearly one quarter of Arizona's population is at least 55 years of age. The ramifications of an aging population on the Judicial Branch include increased filings in the areas of guardianship, conservatorship, elder fraud, and physical abuse.

Although significant strides have been made to ensure that fiduciaries are held accountable for the services they provide to their vulnerable clients, much remains to be done to protect our seniors and other vulnerable persons.

Holding those convicted of crimes accountable and reducing their likelihood of reoffending is central to protecting Arizona's communities. Evidence based sentencing relies on a set of tools designed to offer judicial officials objective, scientific research about criminal behavior to assist them when making probation decisions. Coordinating objective data with the risk level of each probationer allows the judicial officer to tailor a term of probation and supervision that will achieve greater levels of success in rehabilitation and preventing recidivism. In the criminal process, we must also help ensure that victims are afforded the full panoply of rights available to them.

4-A

PROTECTING VULNERABLE CHILDREN AND FAMILIES

Reforms implemented within the last several years to protect children, families, and vulnerable persons in Arizona must continue to receive priority.

ACTION PLAN

- **Ensure prompt dependency and severance trials and appeals.**
- **Participate in the national effort to collect data and determine the issues affecting the elderly.**
- **Review the proposed national reporting standards for abused and neglected children and their families to determine standards for Arizona.**
- **Improve legal representation in cases involving abuse, neglect, delinquency, and dependency:**
 - Ensure that court volunteers who work with children and who make recommendations to the court are trained in core competencies, and
 - Consider adopting and implementing dependency attorney standards.
- **Provide continuing education to the judiciary on the impact of child abuse and neglect.**
- **Respect the unique demographics and needs of children in the dependency system by striving to diversify the base of volunteers who serve them.**
- **Examine model delinquency guidelines and determine which guidelines should be applied in Arizona courts.**
- **Review the child support guidelines and implement changes approved by the Arizona Judicial Council.**

- Review the current processing of domestic violence cases and recommend improvements.
- Hold a statewide domestic violence prevention training summit and develop distance learning training modules on relevant domestic violence topics.
- Develop a training manual for court staff who process domestic violence cases.

4-B

PROTECTING COMMUNITIES

Provide a balanced approach to probation that holds probationers accountable, keeps our communities safe, and provides treatment and rehabilitative services to offenders.

ACTION PLAN

- Reduce revocations by striving for successful terminations from probation.
- Implement Project SAFE (Swift, Accountable, Fair Enforcement).
- Employ evidence based practices to
 - Improve the revocation process,
 - Incorporate evidence based practices into Juvenile Justice Services field operations,
 - Complete a statewide rollout of all evidence based practice codes, and,
 - Establish a process to evaluate adult treatment programs.
- Implement the juvenile detention center certification and monitoring process.
- Evaluate the effectiveness of therapeutic courts.

GOAL 5 IMPROVING THE LEGAL PROFESSION

The Arizona Supreme Court regulates the practice of law, ensuring that Arizona attorneys meet the highest standards of professionalism and comply with rules designed to protect the public. During the past decade, the Arizona Supreme Court and the State Bar of Arizona have worked to improve the attorney discipline system. The Court wishes to maintain a fair and impartial discipline system, while decreasing the time and cost to process discipline cases, especially those that proceed to formal charges. Although progress has been made, more can be done to reduce processing times without compromising fairness.

The Court's authority to regulate the practice of law also includes establishing qualifications for admission to practice law in Arizona. New and amended rules of the Supreme Court have modernized Arizona's admission process by allowing "admission on motion" for lawyers who meet Arizona character and fitness standards and are licensed in other states that have substantially similar admission requirements.

Additionally, the Court, through its Committee on Examinations, is identifying opportunities to participate in a uniform bar examination. UBE scores will be portable to other states that give the UBE. The Court is also studying ways to streamline the character and fitness application and reference check procedure for Arizona State Bar applicants. In addition, the Court is examining the feasibility of putting online the entire application process for admission to the Arizona State Bar.

5-A HOLDING LAWYERS ACCOUNTABLE

The Disciplinary Commission is a regulatory body to which citizens may bring their complaints about lawyer conduct. The transparency and continued improvement of this system is important to maintain public trust in the legal profession.

ACTION PLAN

- **Improve the lawyer discipline system to provide a swift, fair, and cost-effective process that protects the public and preserves the professionalism of the practice of law, while affording due process to those charged:**
 - Establish a task force to study the attorney discipline system,
 - Submit the task force report and recommendations to the Supreme Court,
 - Submit a rule-change petition for any needed structural or procedural changes, and,
 - Implement any system changes approved by the Supreme Court.
- **Communicate to the public and the legal community the outcome of any process changes.**

5-B

MODERNIZING THE ATTORNEY ADMISSION SYSTEM

The Arizona Supreme Court governs admission to the practice of law in Arizona and authorizes exceptions to the standard examination and admission process. Modernizing the admission process by allowing admission on motion is a national trend that recognizes that the practice of law is no longer confined to the boundaries of one state. Admission on motion will make admission to the practice of law in Arizona more efficient, while ensuring that the public is protected against those attorneys who do not meet the qualifications for practice in Arizona.

As the practice of law becomes more national and transnational, state supreme courts are moving toward adopting a uniform bar examination, which will allow properly qualified attorneys to transfer their examination scores to other qualifying U.S. jurisdictions. Arizona is among the states considering the uniform bar examination.

ACTION PLAN

- **Implement admission on motion.**
- **Streamline the character and fitness process.**
- **Implement an online bar application process.**
- **Explore adoption of the uniform bar examination.**
- **Examine how best to regulate the multijurisdictional and transnational practice of law.**